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November 5, 1997

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Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W. Room 222
Washington, DC 20004

NOV - 5 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: MM Docket No. 97-217 **EX PARTE PRESENTATION**

Dear Mr. Caton:

On November 5, 1997, representatives of the Catholic Television Network met with Anita L. Wallgren, legal advisor to Commissioner Susan Ness, to discuss the issues identified on the enclosed presentation. Present at the meeting were:

Monsignor Michael J. Dempsey, President of Catholic Television Network;
Marilyn Hummel, Director of Instructional Television for the Diocese of St. Louis;
Michael Lavery, Administrative Director of Instructional Television for the Archdiocese of New York;
Michael McGee, Director of Archbishop Sheen Center for Communications of the Diocese of Dallas;
David G. Moore, Executive Director of Communications of the Archdiocese of Los Angeles;
Michael P. O'Leary, General Manager of Telicare, the Television Center of the Diocese of Rockville Center;
Robert W. Denny, P.E., President of Denny & Associates, P.C.;
William D. Wallace, Crowell & Moring LLP; and,
Robert D. Primosch, Wilkinson Barker Knauer & Quinn.

In addition to the arguments identified on the enclosure, there was a discussion of the economic concerns affecting the existing and future need for educators to use technology for distance learning and the corresponding need for increased use of ITFS spectrum for instructional purposes. The parties also discussed the possibility of resolving CTN's concerns regarding the need to avoid

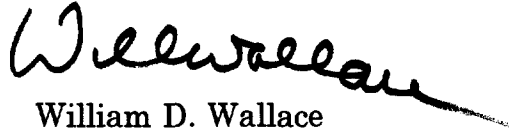
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interference from "upstream" transmissions into ITFS receive sites by realigning the ITFS and MDS frequency allocations to provide a separate block of frequencies dedicated to such "upstream" transmissions. The procedural implications of a proposal for realignment on this rulemaking were also discussed.

Pursuant to Section 1.1206(b) of the Commission's Rules, an original and one copy of this letter are being submitted for inclusion in the file referenced above.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William D. Wallace", with a long, sweeping horizontal stroke extending to the right.

William D. Wallace

Enclosure

cc: Anita L. Wallgren

CATHOLIC TELEVISION NETWORK

Presentation to the Federal Communications Commission

November 5, 1997

I. WHAT IS THE CATHOLIC TELEVISION NETWORK?

- A. CTN is an association of 18 Roman Catholic Archdioceses and Dioceses, which hold licenses in the Instructional Television Fixed Service ("ITFS").**

- B. CTN members are Archdioceses and Dioceses throughout the United States, including the San Francisco Bay Area, Boston, Brooklyn, Chicago, Dallas, Detroit, Los Angeles, New York, Orange, Orlando, Rockville Centre, San Bernardino, Youngstown, Buffalo, St. Louis, and Wichita.**

- C. Each CTN member operates an accredited diocesan school system and is the licensee of one or more ITFS stations serving that school system.**

- D. CTN members serve over 550,000 students, and reach 9 million households with home services.**

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II. CTN AGREES GENERALLY WITH THE GOALS OF THE NPRM.

- A. MDS and ITFS licensees should be permitted to use the spectrum for two-way transmissions.**
- B. The configuration of two-way transmission systems will vary market by market; therefore, the rules adopted in this proceeding should provide sufficient flexibility for licensees within each market to develop two-way services which meet their needs.**
- C. Use of ITFS and MDS frequencies for two-way transmissions will require cooperative efforts, and ITFS licensees must participate in those decisions.**
- D. Instructional services must be absolutely protected from harmful interference arising from upstream transmissions.**

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III. WHAT ARE THE CONCERNS OF CTN?

- A. The wireless cable industry did not consult with CTN or its members regarding the proposals in the Petition for Rulemaking. The concerns of these ITFS educators were not taken into account in the Petition.**

- B. The Petition and proposed rules in the NPRM represent a radical restructuring of the operation of ITFS facilities with only limited technical studies having been performed and presented to the industry.**

- C. Installation of multiple booster stations and thousands of response stations would create a high risk of harmful interference to ITFS receive sites, with limited opportunity for prior review of proposals.**

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- D. The "cellularization" of ITFS/MDS in specific markets may have the engineering impact of precluding the growth of ITFS.**

- E. The proposed rules would enhance the capacity and services available on ITFS facilities – there should be a proportionate increase for instructional services.**

- F. Participation in an integrated, "cellularized" system by ITFS stations may result in loss of identity of ITFS stations and frequencies unless adequate safeguards are provided.**

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IV. ITFS FACILITIES MUST BE PROTECTED FROM HARMFUL INTERFERENCE.

- A. The FCC currently uses frequency separation to protect downstream ITFS transmissions from upstream response transmissions.**
- B. Petitioners propose authorization for co-channel and adjacent-channel two-way transmissions if 45 dB and 0 dB D/U signal ratios at ITFS receive sites are demonstrated.**
- C. CTN's initial engineering review of the Petitioners' proposal indicates that geographic separation will be required in many cases to protect ITFS receive sites from interference caused by multiple response station transmissions, resulting in potentially inefficient coverage.**

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D. There are alternatives which may provide greater protection from interference and more efficient frequency use, e.g.:

- 1. Restrict upstream transmissions to channels 1, 2 and 2A and 125 kHz response channels.**
- 2. Authorize upstream transmissions in 2500 - 2686 MHz band only on a secondary basis.**
- 3. Require 6 MHz guard bands for all upstream transmissions.**

E. ITFS receive sites must also be protected from "brute force" overload from any response transmission.

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V. INSTRUCTIONAL OPPORTUNITIES FOR ITFS MUST BE ENHANCED.

- A. For thirty years, the Commission has preserved the ITFS spectrum for instructional use, and many CTN members have invested substantial resources into educational uses of this spectrum.**
- B. Educators today have increasing needs for cost-effective technologies to teach more students.**
- C. A comprehensive distance learning system of interactive video and data services would help educators adapt to the growing reliance of society and education on ready access to information.**

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D. As digital technology enhances the uses of ITFS spectrum, there should be a proportionate increase in channel paths available for instructional services.

- 1. The Petitioners propose retaining the 20-hour per channel per week programming minimum (plus 20 hour recapture requirement) which was adopted for one-way, analog distribution systems.**
- 2. The Commission must consider how to enhance the instructional use of ITFS frequencies operating with digital technology to meet the future needs of educators.**
- 3. In exchange for increased capacity and more flexible uses, ITFS and wireless cable operators should be encouraged to provide a proportionate increase in instructional use of ITFS spectrum.**

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VI. THE AUTONOMY OF ITFS MUST BE MAINTAINED.

- A. The proposed rules contemplate that ITFS and MDS facilities would operate within an integrated system to permit subchannels, superchannels, and shared transmission and receive facilities.**
- 1. It may not be feasible, based on interference concerns, for an individual ITFS or MDS operator to "turn around" any of its frequencies independently; therefore, some form of integrated system would be required. However, even in such a system, ITFS entities must remain in control of ITFS licenses and bandwidth.**
 - 2. In a "cellularized" environment, ITFS control over broadcast and content must be maintained.**
 - 3. Neither the Petition nor the NPRM explores in detail the impact of "shared facilities" on licensee responsibilities and/or autonomy of facilities. ITFS spectrum must be specific and independent. ITFS equivalents of existing spectrum assignments must be maintained.**

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B. Proposed two-way transmission systems require a substantial amount of equipment, including multiple signal booster stations, response station hubs, and subscriber response stations.

- 1. As noncommercial entities, educational ITFS licensees generally cannot afford to install the complete system planned by wireless cable operators.**
- 2. However, ITFS operators need access to the equipment necessary to operate their stations.**
- 3. The Commission should safeguard ITFS access to equipment in the event of commercial failure of the wireless cable system, e.g., through a first option to buy equipment for ITFS entities, or establishment of escrow accounts or performance bonds for a period of time.**

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